

Appl. No. 10/081,502  
Amendment dated June 15, 2005  
Reply to Office Action of Mar. 15, 2005  
Docket No. BOC9-2001-0017 (261)

### REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of March 15, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraphs 1-3 of the Office action, claims 1, 6, 10, and 15 have been rejected under 35 U.S.C. § 112, second paragraph, because the phrase "speech interface" was believed by the Examiner to be undefined and indefinite. In response, Applicants have amended claims 1, 6, 10, and 15 to clarify the claimed phrase. According to the amended claims, the speech interface is used in conjunction with a system in which the database search is performed, and the speech interface provides users of the system with an interface for searching for information contained within a database in which the database search was conducted and provides users of the system with an interface for audibly receiving results of said database search. The amendments are supported by page 1, lines 7-8, lines 17-21, and lines 26-29, by FIG. 2, and throughout the specification. Responsive to the amendments, Applicants respectfully request that the 35 U.S.C. § 112 rejections be withdrawn.

In paragraphs 4-10 of the Office Action, claims 1, 3, 6-9, and 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,672 to McAllister, *et al.* (McAllister). In paragraphs 11-18 of the Office Action, claims 2, 4-5, and 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McAllister.

In response to the Office Action, Applicants have made a number of claim amendments. Specifically, claims 1, 6, 10, and 15 have been amended to clarify activities that can occur in the processing step, as supported by page 8, lines 5-10 and throughout the specification. Claims 3 and 12 have been amended to alter claim dependencies and to clarify the meaning of pronounceable content as defined by the specification. Additionally, the limitations of claim 3 have been added to claims 7 and 16. These amendments are supported by page 6, lines 11-24.

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Claims 5 and 14 have been amended for clarity, as supported between page 6, lines 25 and page 7, line 7. Claims 8 and 17 have been amended to emphasize that an audible list of data items can be presented for selection without presenting choices for each data item, as supported by page 7, lines 15-17. Applicants note that this type of presentation can be most useful for short lists, where a listener can easily associate a listed item with a selection choice making the presentation of a selection choice unnecessary. Claims 9 and 18 have been amended to include the limitations of claim 2.

No new matter results from these amendments.

**A. The 102(e) rejection should be withdrawn, since McAllister fails to disclose each claimed limitation**

McAllister teaches a method and system for intelligently utilizing secondary information contained in telephone subscriber listings to disambiguate search results and to provide telephone number and other data associated with a desired party. Teachings of McAllister include the retrieval of multiple database entries responsive to a database search, selecting at least one data field from the plurality of common data fields for uniquely identifying each retrieved database entry, and presenting through a speech interface data items corresponding to the selected data field retrieved for each database entry.

McAllister fails to provide any specific teachings regarding the manner in which secondary characteristics are to be processed relevant to one another. More specifically, McAllister teaches the prioritization and selection of secondary information in accordance with FIG. 5 (column 10, line 62 to column 11, line 32). FIG. 5 teaches that a FOR loop can be used to find secondary information that varies from ambiguous entry to ambiguous entry. The only teaching of McAllister as to how to select among many potential distinguishing secondary characteristics is found at column 10, lines 15-20 stating "Alternatively, step 126 may prioritize consideration of particularly relevant

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secondary files more likely to result in disambiguation of listings or include information more likely to be known by the average caller, (e.g., the location or department of a particular party)."

McAllister also fails to provide specific teachings (other than rudimentary ones) regarding the presentation of items to users. The rudimentary presentation teachings results in excessive duplication of words in prompts. For example, McAllister's teachings could present entries in the following fashion "Say or push '1' to dial Robert Cook in Arlington, Virginia; '2' for the Robert Cook in Philadelphia, Pennsylvania; and '3' for Mr. Cook in Silver Springs, Maryland."

Referring to specific rejections, claims 1, 3, 6-9, and 15-18 were rejected under 35 U.S.C. § 102(e). Independent claims 1, 6, and 15 include a limitation where the step of processing data base entries includes at least one processing task selected from a group consisting of determining whether data items within said common data fields are able to be accurately pronounced by a speech interface, excluding data fields of the retrieved database entries having common data items, determining individual lengths of data items within the common data fields, and determining an average length of data items within a particular one of the common data fields.

As previously mentioned, McAllister fails to provide substantial teachings relating to the processing of secondary information. More specifically, McAllister fails to expressly or inherently include the claimed limitation relating to the processing step. Accordingly, Applicants respectfully request the withdrawal of the rejections to claims 1, 3, 6-9, and 15-18.

Even though the dependent claims rejected under § 102(e) should be in an allowable state, a few additional differences between those claims and the cited art should be noted.

Referring to claim 3, Applicants claim excluding data fields having content that is not able to be accurately pronounced by the speech interface. McAllister contains no

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teachings that fields that could otherwise discriminate among ambiguous database results (returned hits) are to be excluded when the pronunciation of the field contents would be difficult for the speech interface.

Instead, McAllister teaches a means by which candidate database hits are generated that use a phonetic representation of a spoken name rather than a specific spelling, so that hits are not dependent upon a specific spelling. McAllister also teaches that a specific phonetic dictionary can be used to pronounce returned data items (where entries not found in the specific phonetic dictionary are pronounced in accordance with a generic text-to-speech rendering). These limitations are very different from the limitations of claim 3.

**B. The 103(e) rejection should be withdrawn, since McAllister fails to explicitly or implicitly teach each claimed limitation**

Claims 2, 4-5, and 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McAllister. McAllister fails to explicitly or implicitly teach the limitations contained within the processing step of claims 1, 6, 10, and 15. The rejections of claims dependent upon these independent claims should be withdrawn. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 2, 4-5 and 10-14.

Even though these claims should now be in an allowable state, additional differences should be noted.

Referring to claims 2 and 11, Applicants claim excluding from the selecting step data fields of the retrieved database entries having common data items. The Examiner states that this step is obvious as suggested by McAllister identifying distinguishing information at column 3, lines 35-36.

Applicants disagree. McAllister actually teaches away from the claimed limitation of claim 2. Specifically, McAllister teaches that data fields having common data items

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are not to be excluded from selection process. For example, from column 10, lines 29-35, even though entries contain common items (three of seventeen items have a common location for Mr. Smith) the location data field is selected and presented to a user. McAllister also divides a listing into categories, where the categories can contain fields with common data items, as noted between column 10, lines 62 and column 11, line 20 – specifically noting the use of the Boolean flag taught for categorization.

Moreover, claims 1 and 19 of McAllister specifically state that secondary key fields distinguish one or more of the selected ones of said records from others. These claims appear to be purposefully written so as to be broad enough to permit categorization as described above. Additionally, claims 18 and 29 of McAllister appear to require that common items not be excluded.

Applicants note from MPEP 2143.01 that a proposed modification cannot render prior art unsatisfactory for its intended purpose. Since modifying McAllister to exclude common data items (admittedly not taught by McAllister) would render McAllister unable to perform claimed and specified aspects of the invention taught by McAllister. Consequently, McAllister cannot be modified as suggested for purposes of 35 U.S.C. § 103(a).

Referring to claims 4 and 13, Applicants assert their right under MPEP 2144.04 to challenge the Officially Noticed proposition and request that the proposition be supported with adequate evidence. Applicants note that selecting data fields by the smallest length is contradictory to selection criteria explicitly stated within McAllister at column 10, lines 15 through 20. That is, the fields having the smallest length is not related to "information likely to be known to the average caller" or to "a field more likely to result in disambiguation of listings" and basing selection on this unrelated criteria contradicts the teachings of McAllister.

Referring to claims 5 and 14, Applicants again assert their right under MPEP 2144.04 to challenge the Officially Noticed proposition and request that the proposition

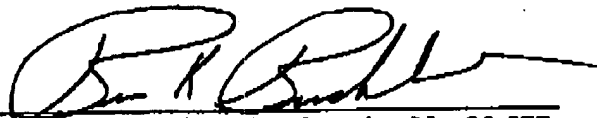
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be supported with adequate evidence. Applicants note that excluding fields over a predetermined threshold is contradictory to selection criteria explicitly stated within McAllister at column 10, lines 15 through 20. That is, the criteria of fields having a length over the maximum threshold is not related to "information likely to be known to the average caller" or to "a field more likely to result in disambiguation of listings" and excluding fields on this unrelated criteria contradicts the teachings of McAllister.

The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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